

Senate Study Bill 1150 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON KAPUCIAN)

A BILL FOR

1 An Act relating to the installation of cattle guards by
2 landowners along certain streets or highways, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 314.30 Cattle guards.

2 Notwithstanding chapter 169C or 318, or any other provision
3 of law to the contrary:

4 1. A landowner may install a cattle guard on a street or
5 highway if all of the following apply:

6 a. The street or highway terminates in a dead end, is
7 completely or partially located in a flood plain, serves no
8 residence, and exits to a secondary road.

9 b. The landowner owns the property on both sides of the
10 street or highway and the property surrounding the portion of
11 the street or highway that terminates in a dead end.

12 c. The effective purpose of restraining livestock using a
13 fence along the street or highway is continually impaired by
14 flooding or other natural forces.

15 d. Flooding or other natural forces have and will, with
16 a reasonable probability, continue to create liability for
17 the landowner and risk of injury to the public from livestock
18 straying on to the secondary road described in paragraph "a".

19 2. A cattle guard installed pursuant to this section shall
20 be installed at the landowner's expense at a distance of not
21 less than sixty-six feet from the secondary road described in
22 subsection 1.

23 3. After a landowner installs a cattle guard pursuant to
24 this section, the landowner shall not be required to install
25 or maintain a fence along the street or highway described
26 in subsection 1, and shall not be liable for any injury or
27 loss arising from the placement of the cattle guard. All of
28 the following shall apply to a landowner who is not required
29 to install or maintain a fence along the street or highway
30 pursuant to this subsection:

31 a. The landowner shall not be liable to a local authority
32 as provided in section 169C.4, subsection 1, paragraph "c" for
33 livestock straying on to the street or highway.

34 b. A local authority shall not take custody of the
35 landowner's livestock on the street or highway as provided in

1 section 169C.2.

2 c. The landowner shall not be subject to section 169C.6 for
3 livestock straying on to the street or highway.

4 4. As used in this section:

5 a. *"Cattle guard"* means a structure consisting of parallel
6 bars placed over a shallow ditch that allows motor vehicles to
7 pass over the ditch, but prevents cattle and other livestock
8 from passing over the ditch.

9 *b.* “*Fence*” means as defined in section 169C.1.

10 c. “*Landowner*” means as defined in section 169C.1.

11 *d. "Local authority"* means as defined in section 169C.1.

12 *e.* “*Secondary road*” means as defined in section 306.3.

13 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15	EXPLANATION
----	-------------

16 The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill permits a landowner to install a cattle guard
19 on a street or highway if the street or highway terminates
20 in a dead end, is completely or partially located in a flood
21 plain, serves no residence, and exits to a secondary road; the
22 landowner owns the property on both sides of the street or
23 highway and the property surrounding the portion of the street
24 or highway that terminates in a dead end; the effective purpose
25 of restraining livestock using a fence along the street or
26 highway is continually impaired by flooding or other natural
27 forces; and flooding or other natural forces have and will,
28 with a reasonable probability, continue to create liability for
29 the landowner and risk of injury to the public from livestock
30 straying on to the secondary road. The bill defines a "cattle
31 guard" as a structure consisting of parallel bars placed over a
32 shallow ditch that allows motor vehicles to pass over the ditch
33 but prevents cattle and other livestock from passing over the
34 ditch.

35 The bill requires a cattle guard installed pursuant to the

1 bill to be installed at the landowner's expense at a distance
2 of not less than 66 feet from the secondary road.

3 The bill provides that after a landowner installs a cattle
4 guard, the landowner is not required to install or maintain a
5 fence along the street or highway, and is not liable for any
6 injury or loss arising from the placement of the cattle guard.
7 The bill further provides that, notwithstanding current law,
8 such a landowner is not liable to a local authority taking
9 custody of livestock straying on to the street or highway for
10 costs incurred by the local authority, a local authority is
11 not permitted to take custody of the landowner's livestock on
12 the street or highway, and the landowner is not subject to the
13 habitual trespass provisions of Code chapter 169C for livestock
14 straying on to the street or highway.

15 The bill takes effect upon enactment.